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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,233	08/26/2003	Taiji Sawada	2003_1143A	1903
513 7590 01/11/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER FLETCHER, JAMES A	
			ART UNIT 2621	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,233

Applicant(s)

SAWADA ET AL.

Examiner

James A. Fletcher

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/03 04/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

New Art Unit

1. Please include the new Art Unit 2621 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2616, has been assigned to new Art Unit 2621. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Claim Objections

2. Claims 32-35 are objected to because of the following informalities: The claims recite dependency on an independent method claim, but list limitations of an apparatus. The Examiner will analyze and discuss those claims as though they were method claims comprising steps. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 8, 9, 11-15, 17-21, 24, 26, 27, 29-33, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle et al (US PG Publication 2005/0002649).

Regarding claims 1 and 19, Boyle et al disclose a content-recording apparatus and method comprising:

- a network connection unit operable to acquire content data via a network (Paragraph 0030 "the STB 16 comprises a tuner 30 for demodulating the program data from the program signal 18" and Paragraph 0028 "the video component 11 further comprises a local memory for storing the recorded programs");
- a TV program-acquiring unit operable to acquire content data from a broadcasting station (Paragraph 0005 "The STB 4 demodulates a selected channel from a program signal 5 and provides an audio and video (A/V) signal 7 to the DVR 2");
- a content-recording unit operable to record the content data acquired via the network and the content data acquired from the broadcasting station (Paragraph 0009 "a local memory for storing the recorded programs");
- an entering unit operable to receive command information entered by a user (Paragraph 0038 "the DVR 12 processes the command received from the remote control 40");
- a display control unit operable to generate a signal-for-display-device based on the content data recorded by said content-recording unit (Paragraph 0044 "the plurality of program identifiers identify respective programs already recorded by the DVR 12");
- and a control unit operable to search at said content-recording unit content data related to the command information received by said entering unit to make, when the content data related to the command information received by

said entering unit exists, said display control unit generate a signal-for-display-device based on the content data related to the command information received by said entering unit (Paragraph 0034 "DVR 12 further comprises suitable circuitry for decompressing the program data into an internal A/V signal supplied to the monitor 14 during play back"),

- wherein, when the content data acquired by said network connection unit via the network has been recorded by said content-recording unit and is able to be reproduced, said display control unit generates a signal-for-display-device notifying the user that the content data acquired by said network connection unit via the network has been recorded by said content-recording unit and is able to be reproduced (Paragraph 0008 "at least one recording indicator associated with one of the programs indicating that the program has been recorded locally").

Regarding claims 2 and 20, Boyle et al disclose a content-recording apparatus and method wherein, when the content data acquired by said network connection unit via the network has been recorded by said content-recording unit and is able to be reproduced, said display control unit generates a signal-for-display-device displaying a sub screen notifying the user that the content data acquired by said network connection unit via the network is able to be reproduced (Paragraph 0008 "at least one recording indicator associated with one of the programs indicating that the program has been recorded locally").

Regarding claims 3 and 21, Boyle et al disclose a content-recording apparatus and method wherein said display control unit closes the sub screen when the content data is reproduced (Paragraph 0035 "When the user selects recorded program data for display on the monitor 14, the multiplexer selects the decoded A/V signal 33 output by the decoder 29").

Regarding claims 6 and 24, Boyle et al disclose a content-recording apparatus and method wherein the sub screen comprises character information (Fig. 7A shows a sub-screen comprising character information).

Regarding claims 8 and 26, Boyle et al disclose a content-recording apparatus and method, wherein the sub screen comprises one or more items selected from a group of a title, a message, transmission source information, transmission time, receiving time, reproduction time length, and data size (Fig. 7A shows a sub-screen comprising program titles, a message regarding a selected title, the channel source of the program, the length of the program, and the time the program is received).

Regarding claims 9 and 27, Boyle et al disclose a content-recording apparatus and method, wherein the sub screen comprises a channel number assigned to the content data recorded by said content-recording unit (Fig. 7A shows a sub-screen with channel numbers for recorded programs, such as "Jack and June").

Regarding claims 11 and 29, Boyle et al disclose a content-recording apparatus of and method, wherein the sub screen comprises one or more items selected from a group of a still image and the content data acquired by said network connection unit via

the network (Fig. 7A shows EPG data acquired by the network connection analyzed and discussed regarding claims 1 and 19).

Regarding claims 12 and 30, Boyle et al disclose a content-recording apparatus of and method, wherein, when the content data acquired by said network connection unit via the network has been recorded by said content-recording unit and is able to be reproduced, said display control unit generates a signal-for-display-device performing an unusual display (Paragraph 0049 "The program "Jack and June" has been recorded as indicated by the icon 78 comprising two filled circles").

Regarding claims 13 and 31, Boyle et al disclose a content-recording apparatus and method comprising:

- a network connection unit operable to acquire content data via a network (Paragraph 0030 "the STB 16 comprises a tuner 30 for demodulating the program data from the program signal 18" and Paragraph 0028 "the video component 11 further comprises a local memory for storing the recorded programs");
- a TV program-acquiring unit operable to acquire content data from a broadcasting station (Paragraph 0005 "The STB 4 demodulates a selected channel from a program signal 5 and provides an audio and video (A/V) signal 7 to the DVR 2");
- a content-recording unit operable to record the content data acquired via the network and the content data acquired from the broadcasting station (Paragraph 0009 "a local memory for storing the recorded programs");

- and a display control unit operable to generate, according to EPG information that at least one of said network connection unit and said TV program-acquiring unit has acquired from the broadcasting station, a signal-for-display-device displaying a content list (Paragraph 0050 "The "My Recordings" option 88 displays a menu of recorded shows"),
- wherein said display control unit manages the content data acquired by said TV program-acquiring unit and the content data acquired by said network connection unit in the content list equivalently (Paragraph 0048 "Displaying the program guide together with the recording indicators is not limited to the STB GUI; the program guide may be rendered by any suitable video component capable of processing EPG data, such as the DVR 12 or the monitor 14").

Regarding claims 14 and 32, Boyle et al disclose a content-recording apparatus and method, wherein said content-recording unit records the content data acquired by said network connection unit relating to a channel assigned to at least one of a transmitter and a transmitter's group having transmitted the content data acquired by said network connection unit;

- wherein said content-recording unit records the content data acquired by said TV program-acquiring unit relating to a channel assigned to the broadcasting station (Paragraph 0030 "the STB 16 comprises a tuner 30 for demodulating the program data from the program signal 18" and Paragraph 0028 "the video

component 11 further comprises a local memory for storing the recorded programs"); and

- wherein the content list comprises a channel assigned to the at least one of the transmitter and the transmitter's group having transmitted the content data acquired by said network connection unit (Fig. 7A shows channel numbers associated with each program, thereby identifying the transmitter of the program).

Regarding claims 15 and 33, Boyle et al disclose a content-recording apparatus and method, wherein the content list further comprises:

- a vertical axis; and
- a horizontal axis,
- wherein either the vertical axis or the horizontal axis is a channel number axis having a channel that at least one of a transmitter and a transmitter's group having transmitted the content data acquired by said network connection unit can be assigned to (Fig. 7A shows a content list with vertical and horizontal axes, with channel numbers assigned to a vertical axis).

Regarding claims 17 and 35, Boyle et al disclose a content-recording apparatus and method wherein the content list further comprises:

a vertical axis; and

a horizontal axis,

wherein one of the vertical axis and the horizontal axis is a channel number axis, and wherein another of the vertical axis and the horizontal axis shows reproduction time

of the content data recorded by said content-recording unit (Fig. 7A shows a content list with a vertical channel number axis and a horizontal axis showing program length, which is the reproduction time).

Regarding claims 18 and 36, please refer to Examiner's remarks regarding claims 1, 2, and 13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al.

Regarding claims 4 and 22, Boyle et al are silent regarding a display control unit that changes the sub screen after an amount of time.

The Examiner takes official notice that stationary graphics images like the sub screen of the instant invention are well known to be a cause of burn-in on display screens. The Examiner also takes official notice that screen savers, which change the stationary graphics images after a preset period of disuse are notoriously well known means of preventing such burn-in, and it would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Boyle et al in order to include a screen saver function.

Regarding claims 5 and 23, Boyle et al are silent regarding the initiation of a display while the unit is displaying nothing.

The Examiner takes official notice that pop-up messages, which appear on display screens to indicate a change in status, are notoriously well known, and provide a user with an automatic indication of status change without the need of searching and checking for the status indicator, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boyle et al in order to include an automatic message when no other data is being displayed.

7. Claims 7, 10, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al as applied to claims above, and further in view of Billmaier et al (US PB Publication 20040181804).

Regarding claims 7, 10, 25 and 28, Boyle et al disclose a content-recording apparatus and method wherein said display control unit is operable to reproduce a sub screen displaying an indicator of content data that is stored and available, but are silent regarding the use of audible indicators.

Billmaier et al teach a PVR with graphical user interface that use audible indicators to provide information regarding recorded programs (Paragraph 0053 "Of course, audible state indicators may also be used to provide time slot state information in response to navigation among cards 200").

As taught by Billmaier et al, audible signals, particularly in electronic equipment comprising loudspeakers as television systems are known to do, are well known, and provide the user with a secondary means of being alerted to a situation of interest.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boyle et al to include audible indications of content that is available for reproduction.

8. Claims 16 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al as applied to claims above, and further in view of Kato et al (7,236,687)

Regarding claims 16 and 34, Boyle et al disclose a content-recording apparatus and method wherein the content list further comprises:

- a vertical axis; and
- a horizontal axis,
- wherein one of the vertical axis and the horizontal axis is a channel number axis (Fig. 7A shows a content list with vertical and horizontal axes, with channel numbers assigned to a vertical axis), and

Boyle et al do not specify an order of reproduction of content data beyond normal replay of a recorded program.

Kato et al teach a PVR with graphical user interface comprising playlists that allow the user to arrange the recorded programs for replay in a specified order, and display that sequence in a grid format (Fig. 13), providing the user with a personalized playback order of recorded programs.

As taught by Kato, showing the order of a sequence of content in a grid menu is well known, and provides the user with a seamless personalized playback order of recorded programs.

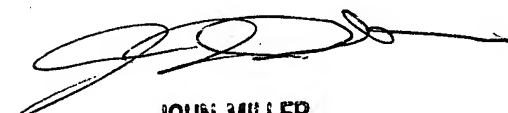
Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kato in order to show an order of reproduction of the recorded content data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
7 January 2008



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